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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,648	04/06/2005	Pietro Necchi	15959US	7621

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David A Farah
Sheldon & Mak
9th Floor
225 South Lake Avenue
Pasadena, CA 91101

EXAMINER

GALL, LLOYD A

ART UNIT PAPER NUMBER

3676

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/530,648

Applicant(s)

NECCHI, PIETRO

Examiner

Lloyd A. Gall

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/6/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

The disclosure is objected to because of the following informalities: On page 11, all occurrences of "means" in the Abstract must be removed. On page 1, line 4, "033830" should be replaced with --000650--. On page 3, line 14, one occurrence of "a" should be deleted. On page 5, line 12, it is not clear from the drawings what constitutes the seat 20', 20" into which the means 12 is inserted. On page 5, lines 14-18, it is not clear in what sense the pin goes in and out of seat 22, and how it locks the means 12. On page 5, lines 14-18, the hooks 45 are not understood, as reference numeral 45 cannot be located. On page 6, lines 18-22, it is not clear in what sense the seat 22 is equipped with walls 46 and a holding shoulder 48. Figure 1 shows numerals 46, 48 as being spaced from a seat 22, and the function of elements 46, 48 is not clear. See claim 7 also. On page 7, lines 5-7, from where does the means 18 slide, into the seat 22, and how does it abut shoulder 48 in figure 1? On page 7, lines 12-13, "that are made slide" is grammatically incorrect. It is not understood whether means 12 slides along the sides first and second half-cases between its latched and unlatched conditions, and how this is possible with the recesses 40 and projections 44 claimed in claim 6, and what function of hooks 45 on page 10, line 1 serve.

Appropriate correction is required.

The drawings are objected to because reference numeral 45 (page 5, line 17) cannot be located. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the

immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the helical spring of claim 4 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims 1-7 are objected to because of the following informalities: On page 9, line 1, it is not clear in what sense the pin goes in and out of seat 22. On page 9, line 14, "an" should read --a--. Appropriate correction is required.

In view of the above objections and rejections, the claims are rejected as best understood, on prior art, as follows.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6 and 7 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Ayers et al (691) in view of Fotheringham et al (020).

Ayers teaches identical (column 4, line 30) first and second hinged half-cases for receiving miscellaneous items, and opening and closing means 23 for latching/unlatching and locking/unlocking the half-cases. Fotheringham teaches a magnetically attractable pin 24 (which may be cylindrical... see figure 1 and 6) to lock

and unlock the laterally slidable opening and closing means 16, 14 of figure 2. It would have been obvious to utilize a lockable cylindrical pin with the opening and closing means 23 of Ayers et al, in view of the teaching of Fotheringham et al, the motivation being to restrict access to only those who possess the required unlocking tool.

Claims 2-4 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Ayers et al in view of Fotheringham et al as applied to claim 1 above, and further in view of Peelle.

Peelle teaches that it is well known to provide a helical spring (j) to retract a latch (k) once a locking means (m) is removed. It would have been obvious to spring-bias the opening and closing means of Ayers et al as modified by Fotheringham et al to the unlatching condition once the locking means is removed, in view of the teaching of Peelle, the motivation being to simplify the opening of the container.

Claim 5 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over Ayers et al in view of Fotheringham et al as applied to claim 1 above, and further in view of Levensten.

Levensten teaches aligning pins 36 and grooves 16 for hinged cases. It would have been obvious to provide an aligning pin and groove for the half-cases of Ayers et al, in view of the teaching of Peelle, the motivation being to ensure the proper alignment of the half-cases when they are closed upon one another.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG
April 15, 2006


Lloyd A. Gall
Primary Examiner